

**AMENDMENTS TO THE DRAWINGS**

The attached "Replacement Sheets" of drawings include changes to Figures 1, 2a, and 2b. The attached "Replacement Sheets," which include Figures 1, 2a, and 2b, replace the original sheets including Figures 1, 2a, and 2b.

Attachment: Replacement Sheets

## REMARKS

Claims 1, 4-7, 9, 10, 12-17, and 19 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

## DRAWINGS

The drawings stand objected to for certain informalities. Applicant has attached revised drawings for the Examiner's approval. In the "Replacement Sheets," Figures 1, 2a, and 2b are amended to be consistent with each other. Support for these amendments may be found in, for example, paragraphs [0042] and [0043] of the application. No new matter is added. Favorable consideration of these drawing changes is respectfully requested.

## REJECTION UNDER 35 U.S.C. § 112

Claims 6 and 7 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed.

The Examiner alleges that claims 6 and 7 are not enabled by the specification because these claims recite a "dominant shaft" and a "second shaft," and these shafts are not described in the specification. Notwithstanding, Applicant respectfully asserts that claims 6 and 7 recite a "dominant shaft *order*" and a "second shaft *order*". A shaft order is a term of art directed to vibrations experienced by mechanical elements. Please see paragraph [0017] of the application. Because one skilled in the art would

readily acknowledge and appreciate the phrase "shaft order," Applicant respectfully asserts that claims 6 and 7 are fully enabled by the specification as originally filed.

Reconsideration and withdrawal of this rejection, therefore, are respectfully requested.

Claims 10 and 17-20 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

The Examiner alleges that Claim 10 incorrectly depends from Claim 7. Claim 10, however, is amended to depend from Claim 1.

The Examiner also alleges that Claims 17-20 are confusing and contradictory. Claim 17 is amended, however, to recite that in the idling mode the additional passage opening is closed and free play of the membrane is unrestricted by the lower membrane cage. This subject matter is supported by, for example, paragraph [0025]. No new matter has been added.

Claims 18 and 20 are cancelled. Claim 19 now recites that the assembly bearing further comprises a disk spring.

By these amendments, Applicant respectfully submits that Claims 10, 17 and 19 conform with 35 U.S.C. § 112, second paragraph. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

## **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-5 and 16-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Franz et al (U.S. Pat. No. 4,836,515). This rejection is respectfully traversed.

Claim 1 is amended and rewritten. Claim 1 now recites:

1. An assembly bearing with hydraulic damping for supporting engines and/or gear-boxes in motor vehicles, comprising:

a working chamber and a compensation chamber, said working chamber and said compensation chamber having partially elastically deformable walls and being separated by a dividing wall;

a damping channel through which a liquid is guided, said damping channel interconnecting said working chamber and said compensation chamber; and

an additional passage opening formed by a peripherally extending conical surface disposed in said working chamber and by a lowering plate of adjustable height, said lowering plate being disposed in said working chamber in correspondence with said conical surface and adjustable from outside of the assembly;

wherein said dividing wall includes an upper membrane cage and a lower membrane cage sandwiching a membrane for isolating high-frequency, low-amplitude vibrations;

said additional passage opening is disposed upstream of said membrane; and

said lowering plate is formed of an axially movable shifting rod disposed essentially centrally in the assembly and guided through a corresponding central opening, through said membrane, through said compensation chamber, and extending entirely into said working chamber, said lower membrane cage fixedly mounted and axially movable with said shifting rod.

As noted above, Claim 1 now recites an additional passage opening formed by a peripherally extending conical surface disposed in the working chamber and by a lowering plate of adjustable height. The lowering plate is disposed in the working chamber in correspondence with the conical surface and is adjustable from outside of

the assembly. Claim 1 is also amended to recite that the dividing wall includes an upper membrane cage and a lower membrane cage that sandwich a membrane. Lastly, Claim 1 is amended to recite that the lowering plate is formed of an axially movable shifting rod disposed essentially centrally in the assembly, and guided through a corresponding central opening, through the membrane, through the compensation chamber, and extending entirely into the working chamber. The lower membrane cage is fixedly mounted and axially movable with the shifting rod.

This subject matter is described at, for example, Figures 1-2b. No new matter has been added. Franz, in contrast fails to teach such a device. At a minimum, Franz fails to teach a peripherally extending conical surface disposed in the working chamber that forms an additional passage opening with a lowering plate of adjustable height. Because this element of the claimed invention is neither taught nor suggested by Franz, Applicant respectfully asserts that Claim 1 and each corresponding dependent claim are not anticipated.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 8-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Franz (U.S. Pat. No. 4,836,515) in view of Noguchi et al (U.S. Pat. No. 4,877,225). This rejection is respectfully traversed.

Claims 8-15 depend from independent Claim 1, addressed above. These claims are neither anticipated nor obvious for at least the same reasons. That is, neither Franz nor Noguchi teach or suggest the claimed bearing assembly. At a minimum, neither

reference teaches a lowering membrane cage fixedly mounted and axially movable with the shifting rod.

In contrast, Franz directly teaches away from such configuration. More particularly, referring to Column 4, Lines 33-61 of Franz it is disclosed that the bottom stop 23 (*i.e.*, lower membrane cage) is formed by a flat grid plate which is fixed in an immovable position relative to the partition 17. By this disclosure, Applicant respectfully asserts that Franz directly teaches away from the claimed assembly bearing. Noguchi is also silent with respect to this element of the claims. Because each reference is silent with respect to this aspect of the claimed invention, Applicant respectfully asserts that the claimed invention would not have been obvious.

Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

#### **DOUBLE PATENTING**

Claim 1 is alleged to be in conflict with claim 1 of U.S. Application No. 10/506,369. The Examiner is requiring that the conflicting claim be cancelled, or a clear line of demarcation be maintained between the present application and the '369 application. Although Applicant does not necessarily agree with the Examiner, Applicant respectfully submits that the amendments to claim 1 provide a clear line of demarcation between the present application and the '369 application. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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